

### REMARKS-General

1. The newly drafted independent claim 2 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 2-21 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

#### Response to Rejection of Claim 1 under 35USC112

2. The applicant submits that the newly drafted claims 2-21 particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

#### Regarding to Rejection of Claim 1 under 35USC102

3. The Examiner rejected claim 1 over JP '437 (JP2001-165437), however, the JP '437 and the instant invention are **not the same invention** according to the fact that the JP '437 does not read upon the instant invention and the newly independent claim 2 of the instant invention does not read upon the JP '437 too. Apparently, the instant invention, which discloses a lighter wherein the pivot connecting means is embodied in the case side edge to pivotally connect the upper cover with the case, should not be the same invention as the JP '437 which discloses a hinge structure to pivotally connect the upper case with the lower case.

4. JP '437 fails to anticipate the distinctive features of:

(i) a light housing which comprises an upper cover having a protuberance downwardly extended from a cover side edge thereof and a case having a case side edge with a predetermined thickness and an opening downwardly extended from an upper edge of the case along at the case side edge thereof (as claimed in claim 2);

(ii) a connector having a recess portion and comprising means for pivotally connecting the protuberance of the upper cover to the connector at the recess portion thereof, wherein the connector is fittingly inserted into the opening to receive the connecting means therewith in a hidden manner so as to pivotally connect the upper cover with the case (as claimed in claim 2);

(iii) wherein the case further has **two longitudinal grooves** formed along two sidewalls of the opening, wherein two sidewalls of the connector are shaped and sized to fittingly engage with the longitudinal grooves respectively when the connector is inserted into the opening to firmly mount the connector to the case so as to securely connect the upper cover with the case (as claimed in claim 3);

(iv) wherein the **connector having a trapezoid cross section** has an inner side and an outer side having a width larger than a width of the inner side to form the two sidewalls of the connector extending in an inclined manner to fit into the two longitudinal grooves respectively (as claimed in claim 4);

(v) wherein the connecting means has a hole transversely formed at the protuberance and a transverse hole formed on connector through the recess portion thereof to coaxially align with the hole of the protuberance when the protuberance is disposed in the recess portion of the connector, wherein the connecting means further comprises a bolt slidably inserted into the transverse hole through the hole of the protuberance so as to pivotally connect the protuberance of the upper cover to the connector at the recess portion thereof (as claimed in claims 5 to 7);

(vi) wherein the transverse hole is a through hole transversely formed on the connector at a position **close to the outer side thereof to strengthen a pivotal connection** between the protuberance of the upper cover and the connector through the bolt (as claimed in claim 8);

(vii) wherein the thickness of the case side edge cover is substantially larger than a thickness of the connector such that when the connector is received in the opening, the connecting means is **embedded** within the case side edge of the case in a hidden manner (as claimed in claims 9 to 15);

(viii) wherein the thickness of the connector has a range from 1.0mm to 11mm (as claimed in claims 16 to 18); and

(ix) wherein the connecting means is positioned **below the upper edge of the case** when the connector is received in the opening of the case.

5. Accordingly, JP '437 discloses an upper sheet member and a lower sheet member pivotally connected thereto, wherein the upper and lower sheet members are inserted into hinge-insertion grooves formed respectively in the upper and lower cases respectively so as to pivotally connect the upper case with the lower cases. JP '437 fails to teach and anticipate the upper cover has a **protuberance** downwardly and integrally extended from a cover side edge thereof and a case having a case side edge with a predetermined thickness and an **opening** downwardly extended from an upper edge of the case along at the case side edge thereof.

6. JP '437 merely discloses slip-stop protrusions are formed by partly louvering edges of both side metal sheet members of upper and lower sheet members such that the slip-stop protrusions are fit in the grooves formed in the inside wall to ensure a slip-stop function, as shown in Fig. 9 of JP '437. However, JP '437 does not mention of any longitudinal groove formed along the sidewall of the opening wherein two sidewalls of the connector are shaped and sized to fittingly engage with the longitudinal grooves respectively as claimed in newly drafted claim 3. In addition, JP '437 never mentions any concept of the connector having a trapezoid cross section to form the two inclined sidewalls of the connector to fit into the two longitudinal grooves respectively as claimed in newly drafted claim 4.

7. JP '437 merely teaches the upper and lower sheet members are rotatably connected with each other by a hinge. However, JP '437 fails to disclose the connecting means, as claimed in newly drafted claims 5 to 7, has a hole transversely formed at the protuberance and a transverse hole formed on connector through the recess portion thereof to coaxially align with the hole of the protuberance when the protuberance is disposed in the recess portion of the connector. The connecting means further comprises a bolt slidably inserted into the transverse hole through the hole of the protuberance so as to pivotally connect the protuberance of the upper cover to the connector at the recess portion thereof. Therefore, the upper cover and case does not require any welding or screw connection and fixation.

8. Fig. 11 of JP '437 clearly shows the hinge is positioned at an outer side of the lighter case between two corresponding edges of the upper and lower cases thereof, wherein JP '437 fails to anticipate the thickness of the case side edge cover is substantially larger than a thickness of the connector such that when the connector is

received in the opening, the bolt of the connecting means is **embedded** within the case side edge of the case in a hidden manner, as claimed in claims 9 to 15, so as to enhance the aesthetic appearance of the lighter.

9. Since JP '437 teaches the hinge is positioned at the outer side of the lighter case, a folding angle of the upper case is limited that the pivotal folding movement of the upper case is blocked by the hinge at the upper edge of the lower case such that the upper case cannot fully opened with respect to the lower case. If the upper case cannot be fully opened, the flame from the lower case may burn the upper case accidentally. Therefore, the instant invention teaches that the pivot point of the connecting means, i.e. the position of the bolt, is moved into the case within the case side edge of the case at a position below the upper edge thereof to substantially increase the folding angle of the upper cover so as to allow the upper cover to fully open with respect to the case.

10. Furthermore, the hinge disclosed by the JP '437 is relatively weak because a pin is used to rotatably connect the two sheet members in an edge-to-edge manner such that when an external force is applied at the hinge to distort the pin or the edge of one of the sheet members, the upper case cannot be pivotally folded with respect to the lower case. However, the connecting means of the instant invention is hidden in the case side edge of the case to protect the external force directly hitting at bolt. In addition, the transverse hole is transversely formed on the connector at a position close to the outer side thereof to further extend a distance of the transverse hole such that the bolt can be prolonged to fit into the transverse hole through the hole on the protuberance so as to strengthen a pivotal connection between the protuberance of the upper cover and the connector through the bolt.

11. Accordingly, JP '437 fails to suggest the above distinctive features (i) to (ix) as claimed in the instant invention. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

#### **The Cited but Non-Applied References**

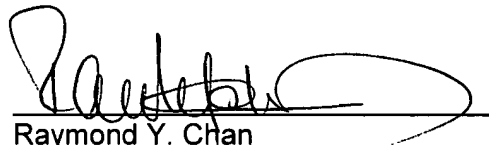
12. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

13. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 502111.

14. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 2-21 at an early date is solicited.

15. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

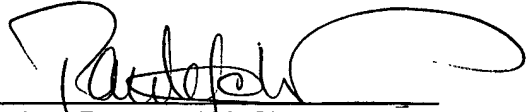


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#### CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: September 03, 2004

Signature:   
Person Signing: Raymond Y. Chan